

## SHORELINE MASTER PROGRAM PERIODIC REVIEW

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### Periodic Review Checklist

This document is intended for use by counties, cities and towns subject to the Shoreline Management Act (SMA) to conduct the “periodic review” of their Shoreline Master Programs (SMPs). This review is intended to keep SMPs current with amendments to state laws or rules, changes to local plans and regulations, and changes to address local circumstances, new information or improved data. The review is required under the SMA at [RCW 90.58.080\(4\)](#). Ecology’s rule outlining procedures for conducting these reviews is at [WAC 173-26-090](#).

This checklist summarizes amendments to state law, rules and applicable updated guidance adopted between 2007 and 2019 that may trigger the need for local SMP amendments during periodic reviews.

#### How to use this checklist

See the associated *Periodic Review Checklist Guidance* for a description of each item, relevant links, review considerations, and example language.

At the **beginning of the periodic review**, use the review column to document review considerations and determine if local amendments are needed to maintain compliance. See WAC 173-26-090(3)(b)(i).

Ecology recommends reviewing all items on the checklist. Some items on the checklist prior to the local SMP adoption may be relevant.

**At the end of your review process**, use the checklist as a final summary identifying your final action, indicating where the SMP addresses applicable amended laws, or indicate where no action is needed. See WAC 173-26-090(3)(d)(ii)(D), and WAC 173-26-110(9)(b).

*Local governments should coordinate with their assigned [Ecology regional planner](#) for more information on how to use this checklist and conduct the periodic review.*

Prepared By	Jurisdiction	Date
Anchor QEA, LLC	City of East Wenatchee	May 2021

Row	Summary of change	Review	Action
<b>2019</b>			
a.	OFM adjusted the <b>cost threshold for building freshwater docks</b>	SMP Chapter 6.7 includes in-text citation to WAC 173-27-040, which specifies cost thresholds.	No action required.
b.	The Legislature removed the requirement for a shoreline permit for <b>disposal of dredged materials at Dredged Material Management Program sites</b> ( <i>applies to 9 jurisdictions</i> )	This update only applies to counties or cities that have open water disposal sites managed by DMMP within their jurisdiction.	No action required.
c.	The Legislature added <b>restoring native kelp, eelgrass beds and native oysters</b> as fish habitat enhancement projects.	These species do not occur in East Wenatchee.	No action required.
<b>2017</b>			
a.	OFM adjusted the <b>cost threshold for substantial development</b> to \$7,047.	SMP Chapter 6.7 includes in-text citation to WAC 173-27-040, which specifies cost thresholds.	No action required.
b.	Ecology permit rules clarified the <b>definition of “development”</b> does not include dismantling or removing structures.	Existing SMP definition of “development” does not address dismantling or removing structures.	Clarified the definition of “development” in SMP Chapters 1.7 and 8.
c.	Ecology adopted rules clarifying <b>exceptions to local review under the SMA.</b>	SMP Chapter 1.7 does not list exceptions to local review under the SMA.	Added text in SMP Chapter 1.7 to describe exceptions.
d.	Ecology amended rules clarifying <b>permit filing procedures</b> consistent with a 2011 statute.	Chapter 7.3.060 does not reference WAC 173-27-044.	Added a reference to WAC 173-27-044 in SMP Chapter 7.3.060.
e.	Ecology amended <b>forestry use regulations</b> to clarify that forest practices that only involves timber cutting are not SMA “developments” and do not require SDPs.	SMP does not makes the clarification that forest practices that only involves timber cutting are not SMA “developments” and do not require SDPs. However, there are no forested areas within the City of East Wenatchee.	No action required.
f.	Ecology clarified the SMA does not apply to lands under <b>exclusive federal jurisdiction</b>	SMP Chapter 1.7 does not list exceptions to local review under the SMA.	Added text in SMP Chapter 1.7 to include exception.

Row	Summary of change	Review	Action
g.	Ecology clarified “default” provisions for <b>nonconforming uses and development</b> .	SMP text does not address nonconforming uses in detail.  SMP Chapter 8 definitions for nonconforming uses and development are not separated and individually defined.	Added text to Chapter 5.12 to address nonconforming residential uses.  Provided separate definitions for nonconforming uses, nonconforming structures, and nonconforming lots in definitions in SMP Chapter 8.
h.	Ecology adopted rule amendments to clarify the scope and process for conducting <b>periodic reviews</b> .	The SMP does not currently describe the periodic review scope and procedures.	No action required.
i.	Ecology adopted a new rule creating an <b>optional SMP amendment process</b> that allows for a shared local/state public comment period.	SMP Section 6.18 already describes the amendment process.	No action required.
j.	<b>Submittal</b> to Ecology of proposed SMP amendments.	The SMP does not currently include a description of the SMP submittal process.	No action required.
2016			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structure to comply with the <b>Americans with Disabilities Act</b> .	SMP text could be modified to include provisions for ADA compliance.	Text added to SMP Chapters 5.11, 5.12
b.	Ecology updated <b>wetlands critical areas guidance</b> including implementation guidance for the 2014 wetlands rating system.	The SMP Appendix H references older Ecology guidance.	Appendix H has been updated to reflect the current Ecology guidance.
2015			
a.	The Legislature adopted a <b>90-day target</b> for local review of Washington State Department of Transportation (WSDOT) projects.	Timeline for review of WSDOT projects not mentioned in the SMP.	No action required.
2014			
a.	The Legislature created a new definition and policy for <b>floating on-water residences</b> legally established before 7/1/2014.	The SMP does not address legally established on-water residences.	No action required.

Row	Summary of change	Review	Action
2012			
a.	The Legislature amended the SMA to clarify <b>SMP appeal procedures</b> .	SMP Section 6.15 references RCW 90.58.180 for the appeals process to the Shoreline Hearings Board.	No action required.
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved <b>federal wetland delineation manual</b> .	The SMP Chapter 8 and Appendix H reference older federal wetland delineation manuals.	SMP Chapter 8 and Appendix H have been updated with the current federal delineation manual references.
b.	Ecology adopted rules for new commercial <b>geoduck aquaculture</b> .	No geoduck aquaculture is present in East Wenatchee.	No action required.
c.	The Legislature created a new definition and policy for <b>floating homes</b> permitted or legally established prior to January 1, 2011.	The SMP does not address legally established on-water residences.	No action required.
d.	The Legislature authorizing a new <b>option to classify existing structures as conforming</b> .	SMP Chapter 1.11 does not reference WAC 173-26-241.	Added reference to WAC 173-26-241 in SMP Chapter 1.11.
2010			
a.	The Legislature adopted <b>Growth Management Act – Shoreline Management Act clarifications</b> .	The SMP was adopted prior to these clarifications.	SMP Chapter 1.13 has been updated to clarify the effective date. The SMP has also been reviewed for consistency with the local critical areas ordinance.

The current City of East Wenatchee Shoreline Master Program became effective on January 28, 2010.

## Additional amendments

SMP Section	Summary of change	Discussion
Global	Removed or modified text throughout document that is unrelated to East Wenatchee.	Because the Douglas County SMP was originally adopted outright, updates have been made to be more specific to East Wenatchee shorelines.
Chapter 1.2	Updated introductory text.	Added text related to the 2021 periodic review process.
Chapter 1.5	Updated text to reflect periodic review process.	Made text updates consistent with the 2021 periodic review process.
Chapter 1.6	Deleted language related to regional planning.	Text not applicable to East Wenatchee SMP.
Chapter 1.7	Added text to explain that SMP applies to non-federal lands and activities, and it does not affect treaty rights of Indian Nations or tribes.	Text added for clarity.
Chapter 2.5	Added an objective to : “Balance wildfire safety and fuel reduction with shoreline buffer functions and values to prevent a net loss of ecological function.”	SMP needed to provide additional guidance regarding fire protection.
Chapter 3.10	Added text to better explain the Table 1 Use Matrix that follows.	Previous text did not fully describe purpose of Table 1.
Chapter 3.10	Table 1: Changed recreational non-water-oriented uses from conditional to permitted uses in High Intensity, Urban Conservancy, Mixed Use, and Shoreline Residential areas.	Change made to ease administrative burden of permitting recreational uses in more developed shoreline areas.
Chapter 3.10	Table 1: Changed shoreline stabilization uses from conditional to permitted uses in High Intensity, Urban Conservancy, Mixed Use, Shoreline Residential, and Rural Conservancy areas.	Change made to ease administrative burden of permitting shoreline stabilization in more developed shoreline areas.
Chapter 3.10	Table 1: Changed certain utility uses (water systems, electrical generation, communication systems) from conditional to permitted uses in Urban Conservancy areas.	Change made to ease administrative burden of permitting these utilities in more developed shoreline areas.
Chapter 3.10	Table 1: Added stormwater facilities as a conditional use in all shoreline areas.	Stormwater facilities were not addressed in Table 1.
Chapter 3.10	Table 1: Changed utility transmission from conditional to permitted use in High Intensity, Urban Conservancy, Mixed Use, Shoreline Residential, and Rural Conservancy areas.	Change made to ease administrative burden of permitting transmission facilities in more developed shoreline areas.

SMP Section	Summary of change	Discussion
Chapter 4.1	Added text regarding compensatory mitigation plan requirements and location preferences.	Mitigation requirements needed further clarification.
Chapter 4.3	Added regulations to specify limited clearing of native vegetation for fire protection near structures.	SMP needed to provide additional guidance regarding fire protection.
Chapter 5.10	Clarified regulations to state: "Community and joint use docks shall have no more than one slip per lot. Other forms of moorage to serve new residential development shall be limited to the amount of moorage needed to serve lots within the development with one slip each."	Clarification needed that one slip is allowed per lot.
Chapter 5.10	Regulations revised to state: "If allowed, a maximum of two (2) moorage facilities (inclusive of docks, swim float, buoys, and/or lifts) shall be permitted per individual lot. Of this allowed moorage, a maximum of one dock may be permitted. In situations where joint use or community docks are used, the allowed moorage can be located either adjacent to the dock or waterward of the individual lot as necessary to support environmental or operational safety conditions."	Text revised to clarify the precise number of docks, floats, buoys, and lifts allowed per lot and where they can be located.
Chapter 5.10	Text added: "Covered moorage for emergency vessels may be permitted where construction will result in no net loss of ecological functions and values."	Emergency vessels may need covered moorage.
Chapter 5.13	Removed rural density standards from Regulation 9 and referenced the City zoning code and comprehensive plan. Clarified that submerged lands shall not be used in density calculations for waterfront parcels. Removed side yard setbacks from Regulation 11 and Table 2.	Clarifications to remove overlap with City's zoning code and comprehensive plan and limit text to shoreline-specific standards.
Chapter 6.5	Revised text to state that the SMP revisions will become effective 14 calendar days Ecology's written notice of final action to the City.	Clarification of effective date.

SMP Section	Summary of change	Discussion
Chapter 7.3.030	Added essential public facilities to list of activities requiring full administrative review.	Essential public facilities were missing from list; added for clarity.
Chapter 7.3.030	Added text: The Administrator has the authority to elevate a shoreline substantial development permit application to quasi-judicial review due to the size and scope of the project.	Change made to clarify administrative process.
Chapter 7.03.040	Revised text to state that quasi-judicial review is used for SSDPs that have been elevated to that level of review.	Change made for consistency with revisions to 7.3.030.
Chapter 8	Several definitions added or revised for clarity and consistency, including: Accessory; Appurtenant; Cluster development; Delineation; Development; Hydric soil; Nonconforming use, structure, lot; Off-site mitigation; Road; Wetland delineation.	Revisions made for clarity.
Appendix H	Numerous text changes made to make appendix consistent with current city critical areas regulations.	SMP should be consistent with current city critical areas regulations.